

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

Sunburst Minerals, LLC, an Arizona
limited liability company,

NO. 3:15-cv-08274-JWS

Plaintiff/Counter-defendant,

vs.

Emerald Copper Corp., a Colorado
corporation; Fictitious Defendants 1-50
who may have an interest in the present
matter,

**JUDGMENT AGAINST EMERALD
COPPER CORP.**

Defendants/Counterclaimant,

THIS MATTER was tried to the Court on November 13 and 14, 2018, and the Court filed an Order and Opinion at Doc. No. 198 on February 4, 2019. The Court also entered pre-trial orders at Doc. Nos. 112, 127, and 136 which narrowed the issues for trial. The applicable portions of those rulings are incorporated herein.

IT IS HEREBY ORDERED that Plaintiff and Counter-defendant, Sunburst Minerals, LLC (“Sunburst”), pursuant to the Court’s Order and Opinion filed on September 25, 2017, at Doc. No. 112, the Order and Opinion filed on October 25, 2017, at Doc. No. 127, and the Order and Opinion filed on February 4, 2019, at Doc. No. 198, is granted judgment in its favor as to both counts of its complaint, and both counts of Defendant and

Counterclaimant's, Emerald Copper Corp. ("Emerald Copper") countercomplaint, with regard to the unpatented mining claims and mill sites held by Sunburst (collectively the "Sunburst Claims") as follows:

1. The Court declares that the following Sunburst Claims (the "Valid Sunburst Claims") were staked in conformity with applicable state and federal law and are valid unpatented mining claims and mill sites:

a. The Sunburst Historic Claims:

| Claim Name | Mohave County Recorder's Book/Page; Fee No. | BLM AMC Number |
|--|--|-----------------------|
| Copper Hill Mill Site No. 1 | 84/399-400 | 105792 |
| Copper Hill Mill Site No. 2 | 84/401-402 | 105793 |
| Copper Hill Mill Site No. 3 | 84/403-404 | 105794 |
| Copper Hill Mill Site No. 4 | 84/405-406 | 105795 |
| Copper Hill Mill Site No. 5 | 84/407-408 | 105796 |
| Copper Hill Mill Site No. 6 | 84/409-410 | 105797 |
| Copper Hill Mill Site No. 7 | 84/411-412 | 105798 |
| Copper Hill Mill Site No. 8 | 84/413-414 | 105799 |
| Copper Hill Mill Site No. 10 | 84/417-418 | 105801 |
| Copper Hill Mill Site No. 11 | 84/419-420 | 105802 |
| Copper Hill Mill Site No. 12 | 84/421-422 | 105803 |
| Hermes Mill Site No. 13 | 84/423-424 | 105804 |
| Copper Hill Mill No. 1 Mill Site 14 | 84/425-426 | 105805 |
| Copper Hill Mill No. 1 Mill Site No. 15 | 84/427-428 | 105806 |
| Copper Hill No. 2 | WW/151 (Amended 6-A/55-56) | 105785 |
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|----------------------|-------------------------------|--------|
| Hermes | Y/463 (Amended 6-A/61-62) | 105786 |
| Hermes No. 2 | AA/191 (Amended 6-A/63-64) | 105787 |
| Jimtown Copper No. 1 | KK/546 (Amended 6-A/57-58) | 105788 |
| Valley Copper No. 1 | 6-A/50 | 105789 |
| Valley Copper No. 2 | 5-I/25 | 105790 |
| Valley Copper No. 3 | 6-C/118-119 | 105791 |
| Emerald No. 1 | 2706/457-458 | 339597 |
| Emerald No. 2 | 2722/782-783 | 339598 |
| FDR | 7006/755 | 386617 |

b. Sunburst 2004 Claims¹

| Claim Name | Mohave County Recorder's Book/Page; Fee No. | BLM AMC Number |
|-------------------|--|-----------------------|
| Emerald 5 | 5282/274 (Amended 2016040406) | 364265 |
| Emerald 6 | 5282/275 | 364266 |
| Emerald 7 | 5282/276 (Amended 2016040407) | 364267 |
| Emerald 8 | 5282/277 | 364268 |
| Emerald 9 | 5282/278 (Amended 2016040408) | 364269 |
| Emerald 10 | 5282/279 | 364270 |
| Emerald 11 | 5282/280 | 364271 |
| Emerald 12 | 5282/281 | 364272 |
| Emerald 13 | 5282/282 | 364273 |

¹ The validity of Emerald 31 was not discussed in the Order and Opinion at Doc. No. 198, however Sunburst conceded that Emerald 31 was invalid based on the trial testimony of T. Robert Breen and as such Emerald 31 is not included in the judgment as a valid claim.

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|-------------|--------------|--------|
| Emerald 14 | 5282/283 | 364274 |
| Emerald 15 | 5282/284 | 364275 |
| Emerald 16 | 5282/285 | 364276 |
| Emerald 17 | 5282/286 | 364277 |
| Emerald 18 | 5282/287 | 364278 |
| Emerald 19 | 5282/288 | 364279 |
| Emerald 20 | 5282/289 | 364280 |
| Emerald #21 | 5349/445-446 | 364620 |
| Emerald #22 | 5349/447-448 | 364621 |
| Emerald #30 | 5349/463-464 | 364622 |
| Emerald #43 | 5349/489-490 | 364624 |
| Emerald 44 | 5349/491-492 | 364625 |

c. Sunburst 2016 Claims

| Claim Name | Mohave County Recorder's Book/Page; Fee No. | BLM AMC Number |
|-------------------|--|-----------------------|
| Emerald 40 | 2016040409 | 439436 |

2. Emerald Copper did not establish that any of the Valid Sunburst Claims are oversized and the Court finds that the Block Claims (Emerald 5-20) are not oversized and therefore no gaps exist between the claims.

3. Emerald Copper has no interest of any kind in the Valid Sunburst Claims.

4. Sunburst is the sole record title owner of the Valid Sunburst Claims.

5. Emerald Copper is barred and forever enjoined from asserting any interest, lien or claim whatever in the Valid Sunburst Claims.

6. The following unpatented mining claims claimed by Sunburst are invalid:

| Claim Name | Mohave County Recorder's Book/Page; Fee No. | BLM AMC Number |
|-------------------|--|-----------------------|
| Emerald 2B | 2016040403 | 439433 |
| Emerald 3A | 2016040404 | 439434 |
| Emerald 4A | 2016040405 | 439435 |
| Emerald 31 | 5349/465-466 | 364623 |
| Emerald 41 | 2016040410 | 439437 |
| Emerald #45 | 5349/493-494 | 364626 |

7. The following unpatented mining claims claimed by Emerald Copper, and referenced in Emerald Copper's Answer to Second Amended Complaint and Counterclaims, at Doc. No. 46 (the "Emerald Copper Claims"), are junior to the Sunburst Claims. All such claims are invalid to the extent that they overlap the Valid Sunburst Claims. Further, any Emerald Copper Claim that was located in a manner such that its location monument was placed on one of the Valid Sunburst Claims is also invalid. The Emerald Copper Claims referenced in this paragraph are:

| Name of Claim | Bk/Pg Reception No | Twtnshp/Range/Sec. | BLM Serial No |
|----------------------|---------------------------|---------------------------|----------------------|
| BT 3 | 2012054160 | 23N / 18W / 26 | AMC 418088 |
| BT 4 | 2012054161 | 23N / 18W / 27 | AMC 418089 |
| BT 5 | 2012054162 | 23N / 18W / 26 | AMC 418090 |
| BT 6 | 2012054163 | 23N / 18W / 27 | AMC 418091 |
| BT 7 | 2012054164 | 23N / 18W / 23 and | AMC 418092 |
| BT 8 | 2012054165 | 23N / 18W / 22 and | AMC 418093 |
| BT 9 | 2012054166 | 23N / 18W / 23 | AMC 418094 |
| BT 10 | 2012054167 | 23N / 18W / 22 | AMC 418095 |
| BT 11 | 2012054168 | 23N / 18W / 23 | AMC 418096 |
| BT 12 | 2012054169 | 23N / 18W / 22 | AMC 418097 |
| BT 13 | 2012054170 | 23N / 18W / 23 | AMC 418098 |
| BT 14 | 2012054171 | 23N / 18W / 22 | AMC 418099 |
| BT 15 | 2012054172 | 23N / 18W / 23 | AMC 418100 |
| BT 16 | 2012054173 | 23N / 18W / 22 | AMC 418101 |
| BT 17 | 2012054174 | 23N / 18W / 23 | AMC 418102 |

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|----|---------|------------|-------------------------|------------|
| 1 | BT 18 | 2012054175 | 23N / 18W / 22 | AMC 418103 |
| 2 | BT 19 | 2012054176 | 23N / 18W / 22 | AMC 418104 |
| 3 | BT 20 | 2012054177 | 23N / 18W / 22 | AMC 418105 |
| 4 | BT 21 | 2012054178 | 23N / 18W / 22 | AMC 418106 |
| 5 | BT 22 | 2012054179 | 23N / 18W / 22 | AMC 418107 |
| 6 | BT 23 | 2012054180 | 23N / 18W / 22 | AMC 418108 |
| 7 | BT 24 | 2012054181 | 23N / 18W / 22 | AMC 418109 |
| 8 | BT 25 | 2012054182 | 23N / 18W / 22 | AMC 418110 |
| 9 | BT 26 | 2012054183 | 23N / 18W / 22 | AMC 418111 |
| 10 | BT 27 | 2012054184 | 23N / 18W / 22 | AMC 418112 |
| 11 | JLR 1 | 2012054189 | 23N / 18W / 23 | AMC 418114 |
| 12 | JLR 3 | 2012054191 | 23N / 18W / 23 | AMC 418116 |
| 13 | JLR 5 | 2012054193 | 23N / 18W / 22 and | AMC 418118 |
| 14 | JLR 7 | 2012054195 | 23N / 18W / 22 | AMC 418120 |
| 15 | JLR 13 | 2012054201 | 23N / 18W / 22 | AMC 418126 |
| 16 | YJBS 37 | 2012054186 | 23N / 18W / 22 | AMC 418136 |
| 17 | YJBS 38 | 2012054187 | 23N / 18W / 22 | AMC 418137 |
| 18 | BD 1 | 2015006925 | 23N / 18W / 22 | AMC 430498 |
| 19 | BD 2 | 2015006923 | 23N / 18W / 22 | AMC 430499 |
| 20 | BD 3 | 2015006924 | 23N / 18W / 22 | AMC 430500 |
| 21 | BD 4 | 2015006926 | 23N / 18W / 22 and | AMC 430501 |
| 22 | BD 5 | 2015006927 | 23N / 18W / 22 and | AMC 430502 |
| 23 | BT 2C | | 23N / 18W / 26 and | |
| 24 | BT 3C | | 23N / 18W / 22,23,26 | |
| 25 | BT 4C | | 23N / 18W / 26 and | |
| 26 | BT 5C | | 23N / 18W / 22 and | |

8. Emerald Copper, as admitted in the Joint Statement of Uncontested Facts filed by Sunburst and Emerald Copper, elected to cease maintaining the YJBS 39 unpatented mining claim. The YJBS 39 unpatented claim was declared void ab initio pursuant to a Bureau of Land Management decision dated June 10, 2013. Therefore, the YJBS 39 unpatented mining claim is invalid.

1 9. Any unpatented mining claims, and portions of said claims, whether listed
2 above or not, currently held or claimed by Emerald Copper that overtake the Valid
3 Sunburst Claims are deemed invalid.

4 10. By overtaking the Valid Sunburst Claims and by preventing Sunburst from
5 accessing its claims, Emerald Copper has committed trespass. Sunburst is entitled to
6 nominal damages in the amount of One Dollar (\$1.00).

7 11. Emerald Copper, and its agents and affiliates, are ordered to cease any further
8 acts of trespass on the Valid Sunburst Claims, whether by overtaking the claims or by
9 preventing Sunburst from freely accessing its claims, patrolling the Valid Sunburst Claims,
10 or otherwise interfering with unfettered access to the Valid Sunburst Claims by Sunburst or
11 its invitees.

12 12. Sunburst is entitled to an award of appropriate attorneys' fees in the amount
13 of _____ and costs in the amount of _____.

14 DATED this 25th day of March 2019.

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16 /s/ JOHN W. SEDWICK
17 SENIOR JUDGE, UNITED STATES DISTRICT COURT
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